

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANTONIO MASSIE,

Plaintiff,

v.

RICHARD EARLY, et al.,

Defendants.

CASE NO. 1:00-CV-05248-OWW-LJO-P

ORDER VACATING TELEPHONIC TRIAL
CONFIRMATION HEARING AND JURY
TRIAL DATES, AND RELIEVING
DEFENDANT OF OBLIGATION TO FILE
PRE-TRIAL STATEMENT

(Doc. 90)

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This matter is currently set for telephonic trial confirmation hearing on August 30, 2006, at 9:00 a.m. in Courtroom 8 before the undersigned, and jury trial on October 3, 2006, at 9:00 a.m. in Courtroom 3 before the Honorable Oliver W. Wanger. In a Findings and Recommendations issued concurrently with this order, the court recommended dismissal of this action, with prejudice, based on plaintiff's failure to file a pre-trial statement in compliance with the court's order of March 9, 2006. In light of the recommendation that this action be dismissed, it is HEREBY ORDERED that:

1. The telephonic trial confirmation hearing set for August 30, 2006, at 9:00 a.m. in Courtroom 8 before the undersigned is VACATED;
2. Jury trial set for October 3, 2006, at 9:00 a.m. in Courtroom 3 before the Honorable Oliver W. Wanger is VACATED; and

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3. Defendant is relieved of his obligation to file a pre-trial statement in compliance with the court's order of March 9, 2006.

IT IS SO ORDERED.

Dated: July 19, 2006
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/s/ Lawrence J. O'Neill
UNITED STATES MAGISTRATE JUDGE